

Amendments to the claims

Claim 15 is amended to incorporate the elements of claim 18, which is objected to as being dependent on a rejected claim, to overcome prior art rejections of claims 15-17 and 19 under 35 U.S.C. §103(a). No new matter has been added.

The 35 USC §103 rejections

Appealed claims 15 and 19 stand rejected under 35 USC §103(a) as unpatentable over **Bacus et al.** (USP 5,514,554, effective filing date 9/27/91) in view of **Rosenblum et al.** (*Cancer Communications*, 1991) and **Hudziak et al.** (*Molecular and Cellular Biology*, 1989); appealed claims 15-17 and 19 stand rejected under 35 USC §103(a) as unpatentable over **Wels et al.** (USP 5,571,894, effective filing date 7/15/91) in view of **Hoogenboom et al.** (*Biochimica et Biophysica Acta*, 1991, Vol. 4, pp. 345-354) and **Hudziak et al.** (*Molecular and Cellular Biology*, 1989). Applicant respectfully traverses these rejections in view of the claim amendments.

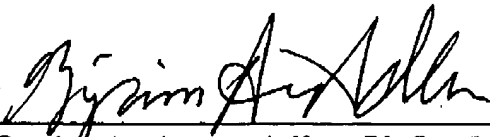
Applicant thanks the Examiner for reviewing and reconsidering the claims on appeal. The Examiner has withdrawn the rejection of

claim 18. In response, Applicant has incorporated the elements of dependent claim 18 into amended claim 15. Applicant respectfully submits that amended claim 15, and accordingly dependent claims 16-17 and 19, are in condition for allowance. Accordingly, Applicant respectfully requests that the rejection of claims 15-19 as obvious under 35 U.S.C. §103(a) be withdrawn.

This is intended to be a complete response to the Final Office Action mailed May 23, 2002, and to the Examiner's Answer to the appeal brief filed January 17, 2003, mailed April 22, 2003. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution.

Respectfully submitted,

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ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713)-270-5391 (tel.)
(713)-270-5361 (facs.)
badler1@houston.rr.com


Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Counsel for Applicant

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claim 15 as follows:

15. (amended) A composition comprising a conjugate of tumor necrosis factor to ~~an~~ a single chain antibody exhibiting binding specificity for an extracellular epitope of c-erbB-2 protein, wherein said single chain antibody is scFv-23.

Please cancel claim 18.